

Niziolek

**Amending Title 21 of the Minneapolis Code of Ordinances by adding a new Chapter 577 relating to Interim Ordinances: Providing for a moratorium on the establishment or expansion of any multiple family residential use within the recognized boundaries of the Lowry Hill East neighborhood (bounded by Lyndale Avenue, Hennepin Avenue and Lake Street), except where property has frontage on Hennepin Avenue, Franklin Avenue, Lagoon Avenue, Lyndale Avenue or Lake Street.**

The City Council of The City of Minneapolis does ordain as follows:

Section 1. That the Minneapolis Code of Ordinances be amended by adding thereto a new Chapter 577 to read as follows:

CHAPTER 577. PROVIDING FOR A MORATORIUM ON THE ESTABLISHMENT OR EXPANSION OF ANY MULTIPLE FAMILY RESIDENTIAL USE WITHIN THE RECOGNIZED BOUNDARIES OF THE LOWRY HILL EAST NEIGHBORHOOD (BOUNDED BY LYNDAL AVENUE, HENNEPIN AVENUE AND LAKE STREET), EXCEPT WHERE PROPERTY HAS FRONTAGE ON HENNEPIN AVENUE, FRANKLIN AVENUE, LAGOON AVENUE, LYNDAL AVENUE OR LAKE STREET.

**577.10. Authority.** In order to protect the planning process, the City is authorized to establish interim ordinances to regulate, restrict or prohibit any use or development in all or a part of the City while the City or its planning department is conducting studies, or has authorized a study to be conducted, or has scheduled a hearing to consider adoption or amendment of the comprehensive plan or official zoning controls. In furtherance of this statutory authority, the City has enacted Chapter 529 of the zoning code which governs the establishment of interim ordinances. The City declares that this interim ordinance is established pursuant to Minnesota Statutes Section 462.355, Subd. 4, City Charter, and City ordinance.

**577.20. Findings and purpose.** Lowry Hill East is a neighborhood that includes residential development at many different scales. Single family and duplex zoning represents 59% of the land area of residential parcels not fronting on corridors. However, the number of single family and duplex housing units are only 16% of the total number of housing units in the neighborhood. This results in an overall population density that is quite high. The Census Bureau reports that the census tract representing most of the Lowry Hill East neighborhood is populated at a density of around 18,000 people per square mile. This ranks fourth out of all non-downtown census tracts in Minneapolis. Traffic in the neighborhood is accommodated by roads that are no wider and in some cases narrower than the average Minneapolis street.

The City Council is interested in protecting the livability of the Lowry Hill East neighborhood by preserving the existing mixed scale character of the neighborhood. There is concern that additional development of apartment and condominium complexes will worsen traffic congestion, and could adversely impact the desirability of homesteading existing single and two-family residences.

Furthermore, because the Lowry Hill East neighborhood has a diminishing stock of single family and duplex residential structures, and because this housing is of a distinctive, largely two-story typology, there is an interest in preventing further loss of these structures.

Appropriate zoning of property can be used to ensure that future redevelopment of neighborhood property will not adversely impact the livability of the neighborhood. The city finds that this interim ordinance should be adopted to protect the planning process and the health, safety and welfare of the citizens.

The population and traffic pressures of residential development on the perimeter of the neighborhood have a smaller impact on neighborhood livability than comparable development in the interior of the neighborhood. The zoning of these “edge parcels” may be reviewed as part of the zoning study. But they have been excluded from the official boundaries of the interim study area and are thus not subject to the restrictions of this interim ordinance.

**577.30. Zoning study.** The area that is within the recognized boundaries of the Lowry Hill East neighborhood (bounded by Lyndale Avenue, Hennepin Avenue and Lake Street) and that excludes parcels with frontage on Hennepin Avenue, Franklin Avenue, Lagoon Avenue, Lyndale Avenue or Lake Street is hereby declared to be an interim study area with respect to the establishment and expansion of any multiple-family residential use. The Planning department is hereby directed to oversee a planning study to inform the future development of this area in specific and the Lowry Hill East neighborhood in general, and to propose such amendments to the City’s official controls as it deems necessary. The planning study, and resulting recommendations may include property that is located in the Lowry Hill East neighborhood but that is not in the interim study area and is therefore not subject to the restrictions of this interim ordinance.

**577.40. Restrictions.** For a period of one year from November 22, 2002, the date of introduction of this ordinance, no zoning, demolition, building or license permit or approval for the establishment or expansion of any multiple-family residential use shall be allowed or granted for any property located in this study area by any City department. The City specifically reserves the right to extend this ordinance for such additional periods as are necessary to complete the planning study, not exceeding a total additional period of eighteen (18) months.

**577.50. Hardship.** In cases of hardship, any person having a legal or equitable interest in land and is aggrieved by the requirements of this ordinance may apply to the City Council for a waiver of all or a portion of the applicable restrictions as provided for in Chapter 529 of the zoning code. A waiver may be granted where the City Council finds substantial hardship caused by the restrictions and finds that the waiver will not unduly affect the integrity of the planning process or the purposes for which the interim ordinance is enacted.